HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.933 of 2003

Dated this the 18th day of December 2007

Between:

Sri Krishna Asharam .. Petitioner

AND

The Commissioner of Endowments,
Andhra Pradesh, Hyderabad
and 3 others ... Respondents

HON'BLE Dr. JUSTICE G. YETHIRAJULU

W.P. No.933 of 2003

ORDER:

This Writ Petition has been filed by the petitioner seeking to declare that the order passed by the first respondent-Commissioner of Endowments on 17.12.2002 tagging on the petitioner-Ashramam to Yadvallivari Choultry for better management as illegal, arbitrary and without jurisdiction.

2) The petitioner is contending that the property in dispute is a private trust and the first respondent has no power to tag on the petitioner-Ashramam to Yadavallaivari Choultry for management.

3) The learned counsel for the petitioner submitted that the petitioner filed O.A.No.64 of 2005 before the second respondent-Deputy Commissioner of Endowments, Guntur claiming that it is a private trust property and nobody else has any right over the property.

The matter is pending before the second respondent. Simultaneously, the petitioner approached this Court seeking to quash the order of the first respondent.

4) The disputed question of fact whether it is a private trust or a public trust cannot be decided in this writ petition and the matter can be adjudicated before the second respondent in the said O.A. filed by the petitioner. The petitioner, if aggrieved, may also make an application before the Deputy Commissioner seeking stay of the proceedings and the second respondent may pass appropriate orders by taking into consideration the facts and circumstances of the case. In the light of the above circumstances, the writ petition is not maintainable.

5) Accordingly, the Writ Petition is dismissed.

The implead petition filed before this Court by the third party may also be considered by the second respondent and appropriate orders may be passed. No order as to costs.

_____

Dr.G. YETHIRAJULU, J

Date: 18-12-2007
lsn